P.R. No. 9/4/06
Presented by Shri K.K. Jaiswal
dated 10/4/06

(3)

CR 151

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR

Single Bench

C.R. No. 84 OF 2006

REVISIONERS: 1. Shanker Singh, son of late Shri Jagmohan Singh,
2. Smt. Amrit Bai, wife of late Shri Jagmohan Singh,
Both residents of village Nawagaon, tehsil Katghora, district Korba (C.G.)
(Objector)

VERSUS

RESPONDENT: Suklal Singh, son of Shri Budhwar Singh, resident of village Nawagaon, tehsil Katghora, district Korba (Chhattisgarh)

CIVIL REVISION UNDER SECTION 115 OF THE CODE OF CIVIL PROCEDURE, 1908.

(23)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक C.R. 84 सन् 2006

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

26.6.2006

Civil Revision No. 84/2006

Shri Somnath Verma, counsel for the applicants.

Heard on admission.

This petition has been directed against the order dated 27.2.2006 passed in Execution Case No. 4-A/1969, pending in the Court of Civil Judge Class-I, Katgohora, District-Korba(CG). It appears that by the impugned order, an application filed under Section 47 of the Code of Civil Procedure, raising grounds of execution being filed on behalf of the incompetent persons and also that it has been filed against the persons, who were not the parties in the civil suit, has been dismissed by the Executing Court.

A perusal of the order passed by the Executing Court, would show that the execution proceedings have been filed by the son of the decree holder namely-Budhwar Singh. It would also show that the non-applicants are also the successors of the judgment debtor. It has come in the last para of the order that Shankar Singh is the son of Jagmohan Singh.

Leaving all these points apart, learned counsel for the applicants argues that the proceedings of execution were barred by limitation.

In the present case, the ground on which objection has been dismissed, appears to be correct and reasonable. I am not inclined to admit this petition for hearing further. The present petition is dismissed. However, the applicants shall be at liberty to raise the point of limitation and all other points before the Executing Court, if so advised.

Sd/-
Sunil Kumar Sinha
Judge

Sunita